

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

Civil Action No. 09 MD 2017 (LAK)

LEHMAN BROTHERS SECURITIES AND
ERISA LITIGATION

ECF CASE

This Document Applies to:

NOTICE OF MOTION

Starr International U.S.A. Investments LC, et al. v. Ernst & Young LLP, No. 11-cv-3745-LAK;

Oral Argument Requested

The State of New Jersey, Department of Treasury, Division of Investment v. Richard S. Fuld, Jr., et al., No. 10-cv-05201-LAK;

Vallejo Sanitation and Flood Control District v. Fuld, et al., No. 1:09-cv-06040-LAK; *Mary A. Zeeb, Monterey County Treasurer, on Behalf of the Monterey County Investment Pool v. Fuld, et al.*, No. 1:09-cv-01944-LAK; *Contra Costa Water District v. Fuld, et al.*, No. 1:09-cv-06652-LAK; *City of Burbank v. Fuld, et al.*, No. 1:09-cv-03475-LAK; *City of San Buenaventura v. Fuld, et al.*, No. 1:09-cv-03476-LAK; *City of Auburn v. Fuld, et al.*, No. 1:09-cv-03474-LAK; *The San Mateo County Investment Pool v. Fuld, et al.*, No. 1:09-cv-01239-LAK; *Zenith Insurance Company v. Fuld, et al.*, No. 1:09-cv-01238-LAK;

American National Insurance Company et al. v. Richard S. Fuld, Jr., et al., No. 1:09-cv-02363-LAK; and

Retirement Housing Foundation et al., v. Fuld, et al., No. 1:10-cv-06185-LAK

PLEASE TAKE NOTICE that, upon the Declaration of Matthew K. Edling, dated October 17, 2014, the exhibits annexed thereto, and the Memorandum of Law in Support of Certain Opt-Out Plaintiffs' Motion to Exclude the Testimony of Professor Glenn A. Okun, dated

October 17, 2014, the undersigned, on behalf of Opt-Out Plaintiffs, (i) Vallejo Sanitation & Flood Control District, the Monterey County Investment Pool, Contra Costa Water District, City of Burbank, City of San Buenaventura, City of Auburn, the San Mateo County Investment Pool, and Zenith Insurance Company; (ii) Starr International U.S.A. Investments LC and C.V. Starr & Co. Inc. Trust; (iii) The State of New Jersey, Dep't of Treasury, Div. of Investment; (iv) American National Insurance Comp. and its subsidiaries and The Moody Foundation; (v) Retirement Housing Foundation and Foundation Property Management, Inc., hereby move this Court, before the Honorable Lewis A. Kaplan, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 21B, New York, New York 10007, for an Order pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow*, 509 U.S. 579 (1993) to exclude the testimony of Glenn A. Okun, proffered as an expert by the defendant, Ernst & Young, in the above-captioned actions.

Dated: October 17, 2014

Respectfully submitted,

/s/ Matthew K. Edling

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